

UNITED STATE DEPARTMENT OF COMMERCE Patent and Trademark Offic

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTO	ATTORNEY DOCKET NO.			
087465,5	96 06/05/99	SELDEN	R	04270.0015		
_	HM32/0803 —			EXAMINER		
KENNETH J. MEYERS, ESQ.			MA	MARTIN, J		
FINNEGAN	I, HENDERSON, FA	ARABOW, GARRETT &		•		
DUNNER, L	LP		ART UNIT	PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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DEA/FCE-1994						
SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT		AT	ATTORNEY DOCKET NO.	
08/405,596	<u> </u>					
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Please find below a communication from the EXAMINER in charge of this application

Prior rejections not made of record in the instant communication have been withdrawn.

The prior provisional obviousness-type double patenting rejections over claims 72-79, 82-84, and 104-106 of co-pending applications 08/461,292, claims 91-99, 101-103, 106-108, and 129-131, 08/460,902, claim 36, and 08/465,582, claim 44, are maintained for the reasons advanced on page 3 of Paper No. 24.

The prior provisional 102(f), 102(g), or 103 rejection over the count and disclosure of the application of the winning party in the interference is maintained for the reasons advanced on page 9 of Paper No. 24.

The rejection of claims 72-79, 82-84, and 104-106 above based on count of Interference No. 103708, to which applicant is a party, is a provisional rejection for the purpose of resolving all remaining issues in this application. The provisional assumption that the count is prior art under 35 U.S.C. 102 (g) against this application may or may not be true, and the prosecution in this case will be suspended pending final determination of priority in the interference if and when no other issues remain.

The outcome of Interference No. 103708 has material bearing on the patentability of the claims in this application. <u>Prosecution in this application is **SUSPENDED**</u> pending a final judgement in the interference.

Applicant should call this case up for action upon termination of the inereference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill Martin whose telephone number is (703)305-2147.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karen Hauda, can be reached at (703)305-6608.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-0196.

Patent Elamine